IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Review Petition No.44 of 2007
In
Writ Petition No.2118 of 2007

Jamil Ahmed Khan Petitioner
Vs.
Abdul Rahim Ghori Respondent

Mr.G.S.Godbole i/b.Solomon & Co. for petitioner.
Mr.Anil Singh for resp.

CORAM: B.H.MARLAPALLE, J.

April 21, 2007.

P.C.

. Heard Mr.Godbole, the learned counsel for the petitioner and Mr.Singh appears for the respondent. Writ Petition No.2118 of 2007 was disposed off on 30/3/2007 with a liberty to file a revision application within a period of two weeks.

. In this review petition it has been pointed out that the impugned order in Writ Petition No.2118 of 2007 had actually decided Revision Application No.7 of 2007 which in turn had challenged the order passed in Misc. Notice No. 85 of 2004 in Misc. Notice No.264 of 2002 filed in RAE Suit No.153/288 of 1997. The said suit is still pending for trial. The said suit was decided ex-parte and, therefore, Misc. Notice No.264 of 2002 was taken out for its

restoration and the said Misc. Notice was also dismissed. Consequently Misc. Notice No.85 of 2004 was filed for the restoration of the restoration application and the said restoration application was dismissed by the trial Court on 7/7/2004.

. Mr.Godbole, therefore, is right in his contentions that Writ Petition No.2118 of 2007 was required to be entertained and civil revision application against the impugned order would not lie under Section 115 of CPC.

. Hence the review petition is allowed and the order dated 30/3/2007 passed in Writ Petition No.2118 of 2007 is hereby recalled. Let the said petition be listed for admission on 26th April 2007.

(B.H.MARL